

1 District Judge Kymberly K. Evanson
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10 UNITED STATES DISTRICT COURT
 11 WESTERN DISTRICT OF WASHINGTON
 12 AT SEATTLE

13 ETEROS TECHNOLOGIES USA, INC.; and) CASE No. 25-cv-00181-KKE
 14 AARON MCKELLAR, a citizen of Canada,)
 15 Plaintiffs,) STIPULATED MOTION TO
 16 v.) STAY JOINT STATUS
 17 UNITED STATES OF AMERICA; UNITED STATES) REPORT AND DISCOVERY
 18 DEPARTMENT OF HOMELAND SECURITY;) PLAN PENDING
 19 UNITED STATES CUSTOMS AND BORDER) DETERMINATION ON
 20 PROTECTION; and HARMIT S. GILL,) DEFENDANTS' MOTION
 21 Defendants.) TO DISMISS
 22) Noted for Consideration on:
 23) April 29, 2025
 24)
 25)

26 COME NOW the parties, by and through their respective counsel, pursuant to
 27 LCR 7(d)(1), and respectfully request in this stipulated motion to stay all current deadlines
 28 pending a determination by this Court on the Government's Motion to Dismiss (ECF 19).

Plaintiffs filed their Complaint on January 29, 2025 (ECF 1). The United States
 Attorney's Office was served on February 6, 2025. The parties agreed to extend the Defendants'

STIPULATED MOTION TO STAY JOINT STATUS REPORT
 AND DISCOVERY PLAN AND [PROPOSED] ORDER
 2:25-cv-00181-KKE

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1 deadline to respond to the Complaint by stipulated motion on March 26, 2025, for fourteen days
2 to “provide a meaningful opportunity for the parties to consider potential resolution of the
3 matter[.]” *See* Stipulated Motion to Extend Time for Responsive Pleading (ECF 17). The Court
4 granted the extension request, setting a new deadline of April 21, 2025, for Defendants’ to file
5 their response to the Complaint.

7 On April 8, 2025, the parties conducted a Rule 26(f) conference and discussed *inter alia*
8 the nature of the action arising under the APA and U.S. Constitution, the timing of Defendants’
9 production of the agency record and other matters under Rule 26(f).

10 On April 21, 2025, Defendant filed a motion to dismiss this action with a noting date of
11 May 19, 2025 (ECF 19). Plaintiffs’ response to the motion to dismiss is due May 12, 2025.

13 The parties respectfully submit that good cause exists to stay the deadline to file a Joint
14 Status Report and Discovery Plan. The parties submit that engaging in case planning and
15 discovery obligations while a potentially dispositive motion is pending could result in
16 inefficient use of judicial and party resources. Here, Defendants have filed a Motion to Dismiss
17 (ECF 19), which, if granted, would result in dismissal of this action. Accordingly, staying the
18 requirement to file a Joint Status Report and Discovery Plan until after the Court rules on the
19 motion to dismiss will conserve judicial resources, avoid unnecessary litigation costs, and
20 promote the orderly administration of justice.

22 The parties further stipulate that, should the Court deny the pending motion to dismiss in
23 whole or in part, they will promptly submit a Joint Status Report and Discovery Plan within
24 fourteen (14) days of the Court’s order or such other time as the Court may direct.

1 Dated: April 29, 2025
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5 Yaakov Roth
6 Acting Assistant Attorney General
7 Civil Division

8 Jonathon A. Robbins
9 Assistant Director
10 Office of Immigration Litigation

11 /s/ Jesi J. Carlson

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21 Respectfully submitted,
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30 STIPULATED MOTION TO STAY JOINT STATUS REPORT
31 AND DISCOVERY PLAN AND [PROPOSED] ORDER
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PROPOSED ORDER

Pursuant to the parties' stipulated motion, and the parties having stipulated and agreed, it is hereby:

ORDERED that the deadline to file a Joint Status Report and Discovery Plan is stayed pending resolution of the pending Motion to Dismiss this action (ECF 19); and it is further

ORDERED that, should the Court deny the pending Motion to Dismiss this action in whole or in part, the parties will promptly submit a Joint Status Report and Discovery Plan within fourteen (14) days of the Court's Order or such other time as the Court may direct.

DATED this ____ day of _____, 2025

Kymberly K. Evanson
United States District Judge

1 **CERTIFICATE OF SERVICE**

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3 On April 29, 2025, I electronically filed the foregoing document with the Clerk of the Court using
4 the CM/ECF system, which will send notification of such filing to the following CM/ECF
5 participant(s):

6
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